

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 16, 2008. All the rejections are respectfully traversed. Claims 1-25 are currently pending. Claims 1 and 9 are currently amended. Reexamination and reconsideration are respectfully requested.

### **The Office Action**

In the Office Action mailed October 16, 2008:

Claims 1-4, 7, 9-13 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Richards et al. (US 6,532,351) in view of Owen et al. (US 2004/0080775), and further in view of Hirst et al. (US 5,930,553);

Claims 5-6, 8 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Richards et al. in view of Owen et al., and further in view of Hirst et al.

Claims 16-22 are rejected under 35 U.S.C. § 103 as being unpatentable over Richards et al., in view of Owen et al., and further in view of Rasche et al. (US 7,262,873), and further in view of McIntyre (US 2003/0063305), and further in view of Hirst et al.

### **The Subject Embodiments**

The present embodiments relate to hardware and software for implementing software upgrades in a printing apparatus through replaceable modules.

The modules are intelligent with improved functions for interrogating the printing apparatus for the identity of previously installed modules and software upgrade status of the printer, *i.e.*, is a software upgrade appropriate, when should it be, and then installing it at the appropriate time. All the foregoing allows replaceable modules to automatically perform the software upgrades without the need of a field engineer to perform the software installation processes.

The Examiner will appreciate the claims have been amended to more precisely recite the improved and various intelligent functions performed by the module with regard to the interrogation and decision process for installing the software upgrade. As such functions are not recited in the references, in particular, Owen et al., which fails to interrogate for the detailed functions recited in the claim amendments. More

particularly, Owen et al. merely teaches an answer consisting of the software upgrade installation (note paragraph [0027]). Accordingly, it is believed that the claim amendments distinguish over the teachings of the references individually or in combination by the microprocessor comparing if the replaceable module software upgrade is appropriate for the printing system (claim 1, note antecedent basis in paragraph [0040] of the application); or that the processor element on board the replaceable module interrogates the printing apparatus for identifying previously installed replaceable modules, which include selective software upgrades (claim 9). It is believed that claim 16 adequately distinguishes over the references for reciting the interrogating apparatus and determining from the interrogation which software components need to be upgraded. Again, it is believed the interrogation process of Owen fails to go beyond mere transmission of a software upgrade without interrogation of its appropriateness or whether it had previously been installed by another replaceable module.